

1891-623

Chancery Causes: Newton Wygal vs. John C. Carroll

Lee Co.

CA - Debt

T - Property

To the honorable H. S. K. Morrison Judge of
the circuit Court of Lee County Virginia.

Humbly complaining your orator Newton
Mygab, would respectfully shew unto your honor
that on the 13th day of June ^{against John B. Canall} 1886, he obtained, be-
fore W. P. Page a Justice of the peace of said County,
a judgment for \$20.00 with legal interest thereon
from the 1st day of August 1882, till paid, and
\$2.13 costs, which judgment was returned to the
Clerk's office of the County Court of said County and
docketed in the judgment lien docket in said office
on the 2nd day of June 1886, and on the 21st day
of October 1886, an execution was duly issued by
the Clerk of said Court, on said judgment and
placed in the hands of J. G. Reasor a Constable
of said County to be executed, and which was
returned by said Constable with the following
return thereon, to wit: "No property found J. G.
Reasor C. L. C." A copy of said judgment and
the docketing of the same is herewith filed marked
"A" and a copy of said Execution together with
the return thereon endorsed is herewith filed
marked "B" and ^{exh} prayed to be considered as part
hereof. Now your orator will further shew unto
your honor that the defendant is the owner of three
small tracts or parcels of land lying and being in
said County, in the Oak Orchard, containing 10, 40 &
50 acres respectively and adjoining the lands of

and which is not very valuable nor productive, the
rents and profits of which will not in five years
pay and satisfy said judgment and the costs of this
suit. In tender consideration whereof, for as much
as your orator is remediless in the premises save
by the aid of a court of equity, your orator prays
that the said John C. Carroll be made party defend-
ant to this bill, and required to answer its allega-
tions on oath; that the said real estate, or so much
as may be necessary, be sold to satisfy your orator's
judgment & the costs of this suit. And for all
further and general relief, may Spd issue dire-
cted &c. and your orator will ever pray.

Richmond & Orr, attys
for Complainant.

C 7.77 Hatt 18
S 5.00 P. M. May
A 15.00 15 Jan
Estimate 23.27
3.00 Say Hatt 18

26.27
5.00 Jan 5/88
21.27

1890 June 4th
Paid Hatt cek # 10.77
J. B. N. Atty 15.00
Same Com - 15.10

Newton Wygal.
Bill in Chancery.
John C. Carroll.

1887 March Bill Filed Spe
Executed & Decree nisi
April B. D. W. conf'd &
Decree set for hearing
" Aug Decree & Cont'd.
" Decr. continued
1888 Continued
1889 " "
1890 " "
1891 March Decree
Final

1891 March Decree
Final

Newton Hygab
vs.
John C. Carroll

Plff John Chace
Def.

The claim of the plaintiff having been fully
settled, this cause is ordered to be stricken
from the docket.

Newton Wyat

vs { Final Order.

John C. Carroll

Entered Chcy O.B.

page 320. March
31st 1891. Ohyatt

Entered
1st 1891
March 31st 1891

Newton Wygal

Plff.

against-

John C Carroll

Deft.

In Chancery

This cause came on this day to be heard upon the bill, taken for Confessed against the defendant, and exhibits therewith and was argued by Counsel. On consideration thereof it is adjudged, ordered & decreed that the plaintiff recover against the defendant \$22.13 with legal interest ^{\$20.59 part thereof} thereon from the 1st day of August 1882, until paid, the same being the amount of the Judgment in the bill mentioned, and ~~the~~ costs of this suit, And unless the same is paid to the plaintiff within 20 days from the rising of this Court then James H. ^{Richmond} ~~Carroll~~, who is hereby appointed a Commissioner for the purpose, will proceed to sell at the Court house door of this County on some Court day, to the highest bidder, on a credit of ^{Months} so much of the defendant's land in the bill mentioned, as will be necessary to pay and discharge said Judgment except the costs of this suit, and expense of sale, which will be required to be paid in hand, and for the residue bonds with good security will be required of the purchaser with interest from date of sale, Said Commissioner before selling will advertise the time, terms & place of sale for at least thirty days by written advertisements

Newton Wygal

vs } Decree

John C. Canale

Entered page 48,

COD Books No. 3

Aug 31, 187.

J. S. Hyatt, C. C.

Enter this Decree

N. S. K. M.

August 31st 1887.

on the front door of the Court house of said
County and in the vicinity of said land,
and will report his action to Court and the
cause is continued.

Virginia. Before a Justice of the Peace
of Lee County. June 13th 1886.

Newton Wygal of Lee County Va. Plff.
vs.

Line of Debt } John C. Carroll of Lee Co. Va. Deft.
June 22nd 1886 } Judgment for \$2000 with interest thereon
from the 1st day of August 1882 till paid
+ the costs J. P. 1.00 b. 55

Attest Teste John R. Gibbon Clerk.

Newton Wygal
vs { Copy of Judgment.

John C. Carroll.

A

The Commonwealth of Virginia.

^{any const.} TO THE SHERIFF OF LEE COUNTY---GREETING:

We command you, That of the goods and chattels of

John C. Carroll

late of your bailiwick, you cause to be made \$ 2000

with legal interest thereon from the 1st day of August 1882 till paid which

Newton Mygal

before W. D. Page

late Justice of the Peace in and for said County, hath recovered against him by Warrant for Debt. Also the sum of

\$ 100 which to the said Newton Mygal

before the Justice was adjudged for his costs in the said Warrant expended. Also the further sum of \$ 113

for issuing this execution from the Clerk's office of the County Court of said County, pursuant to the Act of Assembly in

that case made and provided whereof the said John C. Carroll

is convicted as appears to us of record, and that you have the same before the Judge of our County Court for said County

in the Clerk's office, at Rules to be held therefor, on the first Monday in Dec next, to render to the

said Newton Mygal of the debt and costs aforesaid; and have then and there

this Writ. Witness, John R. Gibson, Clerk of our said Court, at the Court House, this the 27 day of Oct

1886, in the 1st year of the Commonwealth.

John R. Gibson Clerk.

L.D. (191)

Newton Hygal

vs 3 L. Gal

J. C. Carroll

~~James~~
Dec R. 1886.

to property found.

DG Benson & Co

B

Docketed June 22/86.

~~20~~ - Aug 1/82
~~35~~ -
100
 60
27.00
 5 - 10 -
12
70 15
 35 -

Carroll
 June 5th 1888.

Dr ~~20.00~~
 Int. 7.00
 Casts Hi Pa 2.13

~~29.13~~
 Chy Casts 26.27

~~55.40~~
 Has Pd Say 16.00

~~39.40~~
 or June 5th 5.00
~~88~~ 34.40

Know all men by these presents
that we James B. Richmond and
J. A. Hyatt are held and firmly
bound unto the Commonwealth of
Virginia in the just and full sum
of Two Hundred Dollars, and for the
prompt payment thereof we each bind
ourselves heirs &c, and we as to this bond
waive our homestead exemptions
witness our hands and seals this
the 20th day of Sept. 1887.

The condition of the above bond
is such that whereas the above bond
James B. Richmond was appointed
a Comr, at the Aug. Term 1887 of Lee
Circuit Court in the Chas. Cause of
Newton Hyatt vs John C. Carroll and
directed to sell certain lands mentioned
in the bill, Now therefore should
the said Comr. promptly discharge
the duties assigned him and faithfully
account for all moneys he may
receive as such Comr, then this
obligation to be void otherwise to
remain in full force.

James B. Richmond Seal
J. A. Hyatt Seal

Newton Mygal

vs $\frac{3}{2}$ Course
 $\frac{2}{2}$ Bond

John L. Carroll

Filed Sept. 20 1887.

J. A. Hyatt

~~\$103~~ } ~~500~~ } ~~1000~~ } ~~1000~~ }

John Canall
Pd \$16 00
to Wygal.
about 1st Nov
1887.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon

John C. Carroll

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *March 1887* next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against *him*, by

Newton Mygal

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *1st* day of *March* 188*7* in
the 1*1* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste :

(P. 40)

Newton Wygal

no $\frac{3}{2}$ Spain Chcy

John L. Carroll

Lo March Rules 1887

Executed by
delivering an official
copy of this Summary
to the wife of
John L. Carroll
by reading & explaining the same
in not being at
his a place of a
load march the 4
R. D. Planary 83C